

WSGL WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP*Intellectual Property Law*
Patents • Trademarks • CopyrightsTen Post Office Square
Boston, Massachusetts 02109
Tel. 617.542.2290 • Fax. 617.451.0313
www.wsglip.com**RECEIVED**
CENTRAL FAX CENTER
OCT 02 2008**FACSIMILE COVER SHEET**

DATE: October 2, 2008

TO: Examiner Sharad K. Rampuria
TC Art Unit: 2617

Fax No.: (571) 273 8300

FROM: Gordon R. Moriarty

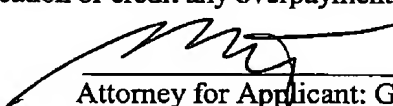
No. of pages transmitted
(including this page): 6

Our File: BCGIR-010AX

Time: 1:00 pm

Your Ref:

Sent by: Lisa

Application No. 10/795,901
Filing Date: March 08, 2004
Confirmation No.: 1538A confirmation copy of this transmission will not be mailed unless the following is checked: ☐
MESSAGEPLEASE DELIVER DIRECTLY TO:
EXAMINER Sharad K. Rampuria, Tel. (571) 272-7870
TC ART UNIT NO: 2617**FOR ENTRY**Enclosed for filing please find Comments on Statement of Reasons for Allowance
dated October 2, 2008.The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional
filing fees associated with this communication or credit any overpayment.
Attorney for Applicant: Gordon R. Moriarty
Registration No. 38,973

372519.1

THIS MESSAGE MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION INTENDED ONLY FOR THE PERSON(S) IDENTIFIED ABOVE. IF IT HAS BEEN RECEIVED AT ANY OTHER PLACE OR HAS NOT BEEN CLEARLY RECEIVED, PLEASE CALL THE ABOVE IDENTIFIED SENDING PARTY COLLECT FOR INSTRUCTIONS. DO NOT SHOW OR DISTRIBUTE THIS MESSAGE TO ANYONE OTHER THAN THE INTENDED RECIPIENT(S). THANK YOU.

RECEIVED
CENTRAL FAX CENTER PATENT
OCT 02 2008

Rev 02/07

Notice of Allowance Dated: September 23, 2008
Confirmation No.: 1538

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Paul Senn et al.
Application No. : 10/795,901
Filed : March 08, 2004
Confirmation No. : 1538
For : SYSTEMS AND METHODS FOR PRERATING COSTS FOR
A COMMUNICATION EVENT
Examiner : Sharad K. Rampuria
Attorney's Docket : BCGIR-010AX

TC Art Unit: 2617

I hereby certify that this correspondence is being sent via
facsimile to Examiner Sharad K. Rampuria, TC Art Unit 2617, Fax
No. (571) 273 8300, on 2 Oct 2008.

By: 

Gordon R. Moriarty
Registration No. 38,973
Attorney for Applicants

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Via Facsimile
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance dated September 23,
2008, Applicant submits the following comments and request for
consideration of the Information Disclosure Statement (IDS) dated
March 8, 2004.

BEST AVAILABLE COPY

Application No. 10/795,901

Filed: March 08, 2004

TC Art Unit: 2617

Confirmation No.: 1538

COMMENTS

In the Notice of Allowance, the Examiner indicates that the IDS filed March 8, 2004 fails to comply with 37 CFR §1.98(a)(2) which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

In reply, Applicant quotes 37 CFR §1.98(d):

(d) A copy of any patent, publication, pending U.S. application or other information, as specified in paragraph (a) of this section, listed in an information disclosure statement is required to be provided, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the Office in an earlier application, unless:

(1) The earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120; and

(2) The information disclosure statement submitted in the earlier application complies with paragraphs (a) through (c) of this section.

In a telephone conversation held September 5, 2008 between the Examiner and Applicant's below-signing attorney, it was pointed out to the Examiner that the cover sheet to the IDS at issue states: "Copies of the patents and publications are not enclosed as they were provided with Application No. 09/371,176 filed 11 August 1999 and now U.S. Patent 6,704,563."

Application No. 10/795,901
Filed: March 08, 2004
TC Art Unit: 2617
Confirmation No.: 1538

U.S. Pat. Appl. No. 09/371,176 is listed on Page 4 of the Application Data Sheet accompanying the Utility Patent Application Transmittal form filed with the instant patent application on March 8, 2004 under the heading "Domestic Priority Information." Additionally, on page 1 of the instant patent application, it is stated: "This application is a continuation of U.S.S.N. 09/371,176, filed August 11, 1999 and now U.S. Patent 6,704,563, which claims priority to U.S.S.N. 60/096,065, filed 11 August 1998, the contents of all of which are hereby incorporated by reference."

To the best of Applicant's knowledge, all of the requirements of 37 CFR §1.98(a) through (c) have been complied with in the referenced priority application, U.S. Pat. Appl. No. 09/371,176 (U.S. Pat. No. 6,704,563). It is noted that the references at issue are listed on pages 1 through 6 of the issued patent.

Consequently, all requirements of 37 CFR §1.98(d) have been complied with. It is respectfully submitted that the Examiner's reliance upon 37 CFR §1.98(a)(2) is in error. Applicant requests that the Examiner provide an indication that all cited references have been considered and that evidence of such consideration shall appear on the patent once issued.

In another telephone call between the Examiner and Applicant's representative held on September 4, 2008, the Examiner indicated that one page of the IDS at issue included the incorrect

Application No. 10/795,901
Filed: March 08, 2004
TC Art Unit: 2617
Confirmation No.: 1538

serial number in the caption. Specifically, one page lists "09/371,176" as the "Application Number". Applicant's representation requested that the Examiner correct this, if necessary, by Examiner's Amendment as being an obvious informality in the application. The page bearing the mis-identified application serial number is one of many other 1449's that are correctly identified and which are accompanied by an Information Disclosure Statement letter that accurately identifies the application serial number. Applicant respectfully submits that this is an example of an obvious informality and as such requests that the Examiner correct the serial number via examiner's amendment (ref. MPEP §1302.4).

Application No. 10/795,901
Filed: March 08, 2004
TC Art Unit: 2617
Confirmation No.: 1538

In view of the foregoing, it is respectfully requested that all of the references cited in this application be considered, and that an indication of such consideration be evident in the patent once issued. Any questions regarding this submission should be directed to the below-signing attorney of record.

Respectfully submitted,

Paul Senn et al.

By: 

Gordon R. Moriarty
Registration No. 38,973
Attorney for Applicants

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

GRM/laf